

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,

-v-

No. 21 CR 371-LTS

MICHAEL BESTWINA,

Defendant.

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ORDER

The indictment in this matter includes one or more forfeiture allegations. Pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure, after a finding of guilt, the Court must determine whether property is subject to forfeiture under the applicable statute and enter a preliminary order of forfeiture if necessary.

Accordingly, the Government is hereby directed to determine what property it will seek to have forfeited and confer promptly with defense counsel to ascertain whether the defense opposes the forfeiture sought. The Government must thereafter provide a proposed preliminary order of forfeiture no later than two weeks before the scheduled sentencing date via email to Chambers at SwainNYSDCorresp@nysd.uscourts.gov, with a copy served on defense counsel.

If the preliminary order is not on consent, the Government's submission must be accompanied by a description of the evidentiary basis for its forfeiture position and a statement as to whether the parties believe that an evidentiary hearing is warranted pursuant to Rule 32.2(b)(1). Defense counsel will have one week following his or her receipt of the Government's letter to respond.

SO ORDERED.

Dated: New York, New York
January 6, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge